XIX.

1950-51

# File No. 6919/36

P W

DEPARTMENT

F BRANCH

A CLASS

**Subject:—** Pay.

Govt. Servents under the

P. W. D. Revision of the

Scales of ——

A[K]

**File No.** 6919/36 XIX-F

Ed. Scott. Bhp. 94 A.

Std. Sectt. 78 e.

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

# DOCKET SHEET

*Subject :—*

File No. 6916/36. XIX

P. W DEPT.

F. BRANCH.

*References :—* ~~Selected~~ ~~Copies~~ from the original file A(M)

| Date. | To whom sent. | Notes and instructions. |
|---|---|---|
| | | |

No. G.51/8490 of 1950.

P.W.D. OFFICE, Churchgate Street, Fort, Bombay, 16th January 1950.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:-Work charged Establishment -
Regulation of increment of-

Sir,

I have to state that, according to rules laid down by Government in the P.W.D. Manuals Vols. I and II. the pay of the members of workcharged establishment are generally regulated in the scales sanctioned for the corresponding permanent and temporary posts. Government have also made the Bombay Civil Services (Revision of pay) Rules, 1948, applicable to the members of the work-charged establishment for whom corresponding scales exist - vide Government Resolution, Public Works Department, No. 0919/36-IX dated 1st April 1949. I have, therefore, to request the orders of Government on the following points.

(1) If a member of the workcharged establishment is continued from year to year, he will naturally be entitled to earn leave under para. 92(b) of the Bombay P.W.D. Manual, Vol.I. It is, however, not clear whether the earned leave, if taken by him in course of time, will affect his increment, as in the case of temporary Government servants on regular establishment, or his Status should be recognised as equivalent to that of a permanent Government ervant for this purpose, and, if, so, after how many years of continuous service on the workcharged establishment.

(2) There is a marked tendency among the workcharged staff go on leave frequently before completing the prescribed period of 22 months, which entitled them to earn one month's leave on full pay. In such cases, the leave granted to them is always leave without pay which constitutes a break in their service for purposes of earning fresh leave again. It is presumed that in cases like these, the increment due to the member of the.....

of the workcharged establishment will naturally be postponed by the number of days of leave without pay sanctioned to him.

(3) Considering the rate at which the workcharged members earn leave and the period after which they are entitled to earn it, it seems unjust to postpone their increment as stated in (2) above. Government may, therefore, be pleased to state whether the question of revision of the leave rules to the members of the workcharged establishment is under their consideration and whether the established rules in the Bombay Civil Services Rules regarding regulation of increments should be made rigourously applicable to them, even though their status entirely differs from those of their colleagues on the temporary and permanent establishment in such respects.

2. Very early orders are requested in the matter.

Sd/-

Electrical Engineer to Government.

No. 6919/36-M(II). Public Works Department.
Bombay Castle (Bombay No. 1),
23rd January 1950.

Copy forwarded to -

the Chief Engineer, Public Works Department.

the Electrical Commissioner with the Government of Bombay,

The Public Health Engineer to Government,

the Superintending Engineers of Circles,

the Director, Development Department Chawls,

for favour of early remarks.

By order of the Governor of Bombay.

Sd/-
24/1/50.
for Deputy Secretary to the Government of Bombay,
Public Works Department.

25/1

NIL

No. IRS/217 of 1950.
Office of the Director, D.D.Chawls,
P.W.D. Secretariat, Fort,
Bombay.1, 4th February 1950.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Workcharged Establishment.
Regulation of increment of -

Sir,

Reference: Government endorsement P.W.D. No.6919/36-B(II) dated 23-1-1950.

2. There is no work-charged establishment under the Director, D.D.Chawls, and as such no remarks can be given. As regards the information about the work-charged establishment under the Manager, D.D.Chawls, it will be incorporated in the remarks of the Superintending Engineer, Bombay Circle, Bombay.

Yours faithfully,

Sd/-

Director, D.D.Chawls.

Koyna Irrigation Circle,
Poona, 1st Feb. 1950.

No. 151 of 1950.

To

The Secretary to the Government of Bombay,
Public Works Department, Bombay.

Subject:- Workcharged Establishment-
Regulation of increment of

Reference:- Your No. G.51/8490 dated 16-1-1950.

1. If it is necessary to employ workcharged establishment and to continue it from year to year, the desirability of converting the post into a permanent one may be considered.

2. However, if for any reasons, it is not possible to convert these posts into permanent ones, the workcharged establishment employed continuously from year to year may may be treated on the same lines as permanent or regular

temporary.....

temporary establishment. My replies to the various querries made by the Electrical Engineer to Government are as follows:-

(1) Period spent in earned leave should have no effect in postponing the date of increment. In this respect the regular temporary establishment also should be brought on the same footing.

The workcharged man who continues to be in service continuously for more than 3 years should be considered eligible for these concessions.

(2) If a person has occasion to go on leave without pay, before he earns any leave with allowances, such period spent in leave without pay ought to have an effect of postponing his increment to the extent of the leave period.

Sd/-

Superintending Engineer,
Kaira Irrigation Circle.

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No. G.63/2795 of 1950.
Office of the Superintending Engineer, N.G.C.,
Public Works Department.

Ahmedabad, 16th Feb., 50.

To,

The Secretary to Government,
Public Works Department,
BOMBAY.....1-

Subject:- WORK CHARGED ESTABLISHMENT-REGULATION OF INCREMENT OF --.

References:- Government Endorsement No. 6919/36-E(II). dated the 23-1-1950.

2. Work charged Service is nowise better than temporary service and as such the increment due to member of the work charged establishment should be postponed by the number of days he is on leave without pay or any other kind of leave. The question of revising the leave rules in case of work charged establishment is however worth considering. It is desirable to extend the leave furles meant for temporary establishment to the work charged establishment also.

Sd/-

Superintending Engineer.
North Gujarat

Letter:

Deccan Irrigation Circle.

No. 1521 of 1950. Poona 1, 1st February 1950.

To

The Secretary to the Govt. of Bombay,

Public Works Department, Bombay.

Subject: Workcharged establishment.
Regulation of increment of -

Reference: Government endorsement Public Works Department, endorsement No. 6919/36-E(II), dated the 23rd January 1950.

I have the honour to refer to the Government endorsement cited in the reference, inviting my observations on the points cropped up by the Electrical Engineer to Government in his letter No. G 51/8490, dated the 16th January 1950 are given as under:

(1) The conditions should not be below than those of temporary establishment unless the person has been holding the post for more than 10 years in which case he may be treated on a par with man on permanent establishment for increments.

(2) The presumption that the increment will be postponed by the number of days of leave without pay so taken, is correct.

(3) Workcharged establishment who continue to be such for more than 10 years should be eligible for the same conditions are applicable to permanent establishment.

Sd/-

Superintending Engineer,
Deccan Irrigation Circle.

Id

17/2

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No. G-51. Office of the Superintending Engineer,
Karnatak Irrigation Circle,
Dharwar, 9th March 1950.

To

The Secretary to Government,

Public Works Department, Bombay.

Subject:- Work-charged Establishment-
Regulation of increment of -

Reference:- Government endorsement, Public Works Department.

No. 6919/36-E(II), dated the 23rd January 1950.

2. I have to offer my remarks as under on the points raised by the Electrical Engineer to Government, in his letter No. G-51/8490 dated the 16th January 1950, addressed to Government.

(a) Point No.1 :- So far as the question of granting increments is concerned, the work-charged Govt. servants may be considered as equal in tatus to a temporary Govt. servant on non-pensionable basis. The date of increment will therefore be postponed by such period during which he was on leave, as in the case of temporary or officiating servants.

(b) Point No.2 :- The presumption made by the Electrical Engineer viz., that the increment due to the member of the work-charged establishment will naturally be postponed by the numberm of days for which leave without pay is sanctioned to him, is correct. The increments of Govt. servants borne on permanent establishment are also postponed when they proceed on leave without pay.

(c) Point No.3 :- When the increments of members borne on the temporary and permanent establishments are postponed as stated above under the existing rules, it will not be fair to make the work-charged staff an exception to the rule.

In view of the above, the existing rules do not, in my opinion, require any revision especially Specially as regards the work-charged Establishment.

Sd/-

3/3

Superintending Engineer, K.I.C.

25-27

No. GR 31 /2185.
Public Works Department,
Poona 1, 11th March 1950.

To.

The Secretary to Government,
Public Works Department-Bombay.

Subject: Work-charged establishment.
Regulation of increment of

Reference: Government endorsement No. 6919/36-E(II) dated 23-1-1950

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The status of work-charged establishment, continued from year to year, should, I recommend, be equal to that of temporary establishment as under:-

(i) Increments.

Increments should be granted in accordance with B.C.S.Rs. 9(56) C.S. No.10 dated 21-4-1939 and 30.

(ii) Leave.

Leave should be granted in accordance with Section II Government servants not in permanent emplo, referred to in Government Resolution, Finance Department No. 6567/33 dated 28-4-1949.

Sd/-
Superintending Engineer,
Central Circle.

Id
10/3/50.

NLK

Letter

No. of 1950.
P. W. D., Eastern Circle Office.
Kolhapur, 9th March, 1950.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Work-Charged establishment
Regulation of increment of ---

References:- Government Public Works Department endorsement No. 6919/36-E(II), dated 23-1-1950 and subsequent reminder dated 28-2-1950.

2. Adverting to the points referred to in para 1 of Electrical Engineer to Government's Letter No. G-51/8490, dated.....

dated 16-1-1950 copy received under Government endorsement mentioned above, I have to observe as under:-

1. Most of the work-charged establishment which was required to be continued from year to year has already been taken either on the permanent or temporary establishment and as such their continuance from year to year does not new arise except in the case of few persons who are continued on the work-charged establishment. If such a number borne on work-charged establishment is required to be continued from year to year for any specific work or works he may be entitled to earn leave upto 1/22nd of the period of continuous duty limited to one month at a time subject to the conditions laid down Bailey rule 92(b) of Public Works Department Manual Vol.I. The earned leave so taken should not affect his date of increments, leave other then extra-ordinary leave is not an interruption in service for the purpose of increment in terms of rule 50(d) of Bombay Civil Services Rules Manual Vol. I.

2. Leave with pay cannot ordinarily be granted for the first time unless the work-charged employee has served for at least 22 months continuously, but in accordance with Rule 92(b) (ii) of the Bombay Public Works Department Manual Vol. I leave with pay can be granted even without 22 months service for special reasons to be recorded in writing. In that case the earned leave so granted shall not postpone the date of increment by the period of leave in accordance with the rule quoted in (1) above.

3. There would be no difficulty to deal with leave cases of work-charged establishment if the above recommendations are accepted.

Sd/-
Superintending Engineer,
Eastern Circle.

NIK

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29-31

Letter.

No. A-67(WCE)/4811
Electric Grid Offices,
Foreshore Road,
Bombay 1: 25th March 1950.

To

The Secretary to Government,
Public Works Department,
Bombay.

Subject:- Work charged establishment -

With reference to Government, Public Works Department endorsement No. E6919/36-E(II) of 23-1-1950 on the subject mentioned above, I am to state that there are no cases in my office of the kind mentioned by the Electrical Engineer in his letter No. G-51/8490 of 16-1-1950. However may remarks are offered as below:

2. In a case whete an employee takes leave without pay, his increment is postponed to the extent of the period of leave and I do not consider it necessary that he should be given any benefit higher than that allowed to a Government Servant on a permanent or temporary establishment under the ordinary operation of the rules.

3. In my opinion it is desirable to extend the concession in Rule 67 of Bombay Civil Services Rules to employees of the work charged establishment also.

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LETTER No. 2

From

The Superintending Engineer,
Southern Circle.

To

The Secretary to Government,

To

The Secretary to Government,
Public Works Department,
BOMBAY No. 1

No. G-51

Public Works Department,
Belgaum, 6th April, 1950.

Subject:- Workcharged Establishment
- Regulation of increment

References:- Government Endorsement No. P.W.D. No. 6919/36-E(II), dated the 23rd January 1950

2. Point No. (1) :- So far as this Circle is concerned, leave with allowance (earned leave) is not deducted from duty period for purposes of sanctioning increment, as the B.C.S. Rules are not applicable to the members on the workcharged establishment. The same rules as are applicable in the case of Government servants on Temporary Establishment, vide the revised leave rules in G.R.F.D. No. 6567/33 of 28.4.1949 may also be made applicable to members of the workcharged establishment and their status brought in line with Temporary Government servants for purposes of leave and regulating increments.

Point No. (2) :- There are no orders of Government as to whether proportionate leave with allowance may be granted to members of the workcharged establishment. This Point was raised in this office letter No. G-51 of 7.5.1940 but no orders have been issued in G.M.P.W.D. No. 2866/36-E of 28-5-1940. I request that orders on this point may kindly be issued now.

(b) Postponement of increments by the number of days of leave without pay is in accordance with the existing rules applicable to both permanent and temporary establishment and the same should also be made applicable to members on workcharged establishmend.

Point No. 3 :- As members on workcharged establishment are paid on acquittance rolls on monthly basis, the established rules regarding regulation of increments in the B.C.S. Rules applicable to Temporary servants and the Revised Leave

Rules.....

351-33

Rules applicable to Temporary servants as suggested in point (1) above may be applied to members on workcharged establishment.

Sd/-
Superintending Engineer S.C.

*******

No. 3/63/3679
Office of the Superintending Engineer,
Gujarat Irrigation Circle,
Baroda, 13th May 1950.

The Secretary to Government,
Public Works Department.
Bombay.

Subj:- Work charged establishment - Regulation of increment of -.

Ref:- Government endorsement No. 6919/36-B(II) dated 23-1-50.

Remarks on the three points raised by the Electrical Engineer to Government Bombay are as Under:-

1) Earned leave granted to Workcharged establishment with pay and allowances under para 92(b) of the P.W.D. Manual Vol. I that period of leave is not at present counted as duty for purchase of increment but it is recommended that it should be counted as duty for purposes of increment.

2) The presumption is correct.

3) If leave is granted without pay and allowances, such period cannot be counted as duty period for increments as per para 50 of B.C.S.R. Vol. I. This is equally applicable in the case of temporary and permanent establishment and members of workcharged establishment cannot have better conditions of services than these on permanent and temporary establishment.

Sd/-
13/5
Superintending Engineer,
Gujarat Irrigation Circle, Baroda.

NLK 13

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No. 3428 of 1950.

Office of the Superintending Engineer,
South Gujarat Circle, P.W.D., Baroda.
Dated the 17th May 1950.

To,

The Secretary to Government,
Public Works Department,
Bombay No. 1.

Subject:- Work-charged Establishment -
Regularisation of increment of -

Reference:- Government endorsement (P.W.D.) (i) No. 6919/36-E(II) dated the 23rd January 1950, (ii) Reminder even No. of 28th February 1950, (iii) 1st March 1950, (iv) Government Letter (P.W.D.) of 28th April 1950.

2. My remarks to the points raised by the Electrical Engineer to Government, P.W.D., Bombay, are as under.-

A:- Electrical Engineer to Government (P.W.D.) Bombay's No. G-51/8490 dated the 16th January 1950.

Para (1) :- The rules in the B.C.S.R. Manual Volume I also apply to the Temporary Government servants and as such, the members of the work-charged establishment should be treated on par with the Temporary Government servants for the purpose of leave and vis-a-vis increments.

Para (2) :- The tendency as described is tantamount to abuse of the concession granted in the matter of leave and should be discouraged. In granting leave before the expiry of 22 months special reasons should be recorded after verification; and sub-rule (ii) and (iii) under Rule 92(b) of Bombay P.W.D. Manual Volume I should be scrupulously observed. Leave without pay should, generally, be counted towards postponing the increment by the period of leave.

Para (3) :- No remarks to offer except that at no time and in no case, more liberal terms can be laid down separately for the work-charged men; looking to the nature of service.

B:- Electrical Engineer to Government P.W.D. Bombay's No. G-51/8856 dated the 28th January 1950.

Para (10.....

3313

Para (1) It should be mentioned on the work-charged establishment as in the case of office-service in a higher grade.

This office has not had occasion to deal with any such case referred to in this para.

Para (2) :- No instance has come to the notice of this office in which extra-ordinary leave was granted to the work-charged establishment.

Sd/-
17/5/50
Superintending Engineer,
South Gujarat Circle.

No. G-51/8836 of 1950.
P.W.D. Offices, Churchgate Street.
Fort, Bombay, 25th January 1950.

To,

The Secretary to Government,
Public Works Department, Bombay.

Ref:- Workcharged Establishment -
Regulation of increment, etc.

In continuation of this office letter No. G.51/8490 dated the 16th January 1950, I have to request orders of Government on the following further points in respect of the conditions of service of the workcharged establishment:-

(1) At time, members of the workcharged establishment are appointed to officiate on regular establishment in place of persons who proceed on leave or temporary transfer to other head-quarters. On return of such persons to their original posts, the workcharged establishment members have to revert to their respective posts on the workcharged establishment. It is, therefore, for consideration whether the officiating service on regular establishment rendered by members of the workcharged establishment due to the causes mentioned above should be treated to count for increment as well as leave in their original....

original posts on the work-charged establishment, or it should not

(2) According to rule 14(2) of the Revised Leave Rules, 1935, except in the case of Government servants in permanent employ, the duration of extraordinary leave shall not exceed 3 months on any one occasion. If this limit is exceeded, it constitutes a break in his service and the candidate, if taken up again in Government ervice, is required to be treated as a fresh recruit starting on the minumum pay of the time scale. It may please be made clear whether this principle also applies to the members of the work-charged establishment who have reached a certain stage in the time scale of pay and who proceed on leave without pay for more than three months on any one occasion.

Sd/-
Electrical Engineer to Govt.

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6919/36/7401.

E.E.(II)- P.W. Deptt.

The Elect. Engs. to Govt. has raised the following two points for the orders of Govt.

(1) Whether the services rendered by members of the work-charged establishment in vacancies of persons who proceed on leave or are temporarily transferred should be allowed to count such of their services as duty for purposes of increment and leave in their original posts on the w/c estabt., and

(2) Whether rule 14(2) of Revised Leave Rules, 1935, printed as App. XLIV-A to the B.C.S.Rs. Manual, Vol. II (old edition) and rule 6(2) of App. XLIV-B (new edition) should be made applicable to work-charged person who proceeds on extra-ordy leave for more than 3 months.

As regards (1) above it may be pointed out that these persons who are asked to work in vacancies of persons who

are on....

41-42

are on leave or are temporarily transfd. are required to do so in the interests of Govt. work instead of appointing new recruits. It is, therefore, only equitable that the services of such persons either on the temp. or pt. estabt. should be allowed to count towards increment and leave on the W/c. estabt.

3. As regards (2) above it may be stated that the leave of the work charged estabt. is governed by paras 189-92 of the P.W.D. Manual, Vol. I. The work-charged estabt. is not governed by the R.C.S.Rs. The reply to this query is, therefore, in the negative.

4. The F.D. may see U.O. with refce. to para 2 above.

Id 7/2/50 Id 9/2/50

u.o. to F.D. dt. the 9/2/50.

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Finance Department,

Please see the P.W.D. note on p. 3.

2. It is not clear how the question referred to at (i) in para. 1 of the P.W.D. note has been raised at this stage, when it is possible that the practice of appointing members of the work-charged establishment to officiate in regular establishment in short vacancies is in vogue for years past. The P.W.D. may, therefore, be requested to state, - if necessary by making a reference to other local officers - how under the present practice the cases of the type referred to by the Electrical Engineer are dealt with and whether that practice has any authority behind it

3. Sub-para-(b) of para. 92 of the P.W.D. Manual, Vol. I governs 'the leave' of work-charged establishment. On persual of this it will be seen that there is no provision regarding the grant of extra-ordinary leave to a temp. Govt. servant borne on the work-charged establishment.

The.....

The point raised by the Electrical Engineer seems that when Govt. servant on work-charged estabt. absents himself from duty for a period exceeding 90 days and resumes the duties thereafter, whether exceeded limit should consitutsee a break in his service according to rule 14(2) of R.L.Rs. 1935. In that case he will have to be treated as a fresh candidate starting on a minumum of the time-scale. As said above there is no provision for the grant of extra-ordinary leave in the P.W.D. Manual and it is not known whether such a leave was granted in the past, and if so how it was regularised in the absence of any provision in the P.W.D. Manual. The P.W.D. may be requested to clarify this point before informing the Electric Engineer as proposed in para. 3 of that Department note.

Id
.16/2

Id
17/2/50.

u.o.r. to P.W.D. dated 17/2/50.

P.W.D.

E.B.(II)

As regards advised by the F.D. the Heads of Deptt. may be requested to report on the points raised by that Deptt. as per draft put up for approval.

Id
25/2/50

*********

MLK

No. G-51/8836 of 1950
P.W.D.Offices, Churchgate Street
Fort, Bombay, 25th January 1950.

To

The Secretary to Government,
Public Works Department, Bombay.

Re:- Work-Charged Establishment -
Regulation of increment, etc.-

In continuation of this letter No. G.51/8490 dated the 16th January 1950, I have to request orders of Government on the following further points in respect of the conditions of service of the work-charged establishment

(1) At time, members of the work-charged establishment are appointed to officiate on regular establishment in place of persons who proceed on leave or temporary transfer to other head-quarters. On return of such persons to their original posts, the work-charged members have to revert to their respective posts on the work-charged establishment. It is, therefore, for consideration whether the officiating service on regular establishment rendered by members of the wrok-charged establishment due to the causes mentioned above, should be treated to count as duty for purpose of increment as well as leave in their original posts on the work-charged establishment, or it should not count as such.

(2) According to rule 14(2) of the Revised Leave Rules 1938., except in the case of Government servnats in permanent employ, the duration of extraordinary leave shall not exceed 3 months on any one occasion. If this limit is exceeded, it consutitutes a break in his service and the candidate, if taken up again in Government service, is required to be treated as a fresh recruit starting on the minumum pay of the time scale. It may please be made clear whether this principle also applies to the members of the work-charged establishment who have reached a certain stage in the time scale of pay and who proceed on leave without pay for more than three months.....

on leave without pay for more than three months on any one occasion.

Sd/-
Electrical Engineer to Govt.

No. 6919/36-E(II). Public Works Department.
Bombay Castle. (Bombay No. 1).
1st March 1950.

Copy forwarded to -

the Chief Engineer, Public Works Department,

the Electrical Commissioner with the Government of Bombay,

the Public Health Engineer to Government,

the Superintending Engineers of Circles,

the Director, Development Department Thawis.

for favour of early remarks.

2. It should be reported to Government how under the present practice the cases of the type referred to by the Electrical Engineer in paragraph 1(1) of his letter are dealt with and whether the practice has any authority behind it.

3. It should also be reported to Government with reference to paragraph 1(2) of the Electrical Engineer's letter, whether extra-ordinary leave was granted in the past to the work-charged establishment and if so, how it was regularised in the absence of any provision in the Bombay Public Works Department Manual.

By order of the Governor of Bombay

Sd/-
6/3/50.

For Deputy Secretary to the Government of Bombay.
Public Works Department.

Copy forwarded to the Electrical Engineer to Government, for information.

Issued
6/3

Id
2/3/50

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NIK

51,83

Koyna Irrigation Circle,
Poona, 11th March 1950.

No. 407 of 1950.

To

The Secretary to the Government of Bombay,
Public Works Department, Bombay.

Subject:- Work-charged establishment -
Regulation of increment etc.,

Reference:- Government endorsement No. 6919/36-E(II)
dated 1-3-1950.

There was no such case in this Circle.

Sd/-
10/3

Superintending Engineer,
Koyna Irrigation Circle.

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No. G.51/29/86 of 1950.
Public Works Department,
Poona, 14th April 1950.

To

The Secretary to Government,
Public Works Department,
Bombay.

Subject:- Workcharged Establishment.
Regulation of increment etc.

References:- Govt. endorsement No. 6919/36-E(II) of 1-3-50 and this office No. G.R. 31/K-2135 of 11-8-50.

Point (1):- The officiating service referred to counts as duty for the purposes of increment as well as leave in their original posts on work charged establishment, on the analogy of the provisions existing under Bombay Civil Services Rule 50.

Point (2):- Rules regulating leave to members of Work Charged Establishment as per para 92(b) of the P.W.D. Manual made no provision for the grant of Extraordinary leave to that class of establishment.

Sd/-
Superintending Engineer,
Central Circle.

Id
3/4
NIK

55/63

No. G-63/4933 of 1950.

Public Works Department,

Ahmedabad, 19th April 1950.

To

The Secretary to Government,
Public Works Department,
Bombay.

Subject: Work-charged establishment
- Regulation of increment etc -

Reference: (1) Government endorsement No.: 6919/36-E-II dated 1-3-50.

(2) Members of the work-charged establishment have not been appointed to officiate on regular establishment in this Circle so far. However, it would be in conformity with Rule 50(c) of the B.C.S.R. to count such officiating period for purposes of increment as well as leave in the original post on the workcharged establishment.

(3) Extraordinary Leave is not admissible to work-charged persons and such leave constitutes a break in service in case of work-charged establishment. As such, no such leave has been granted in the past to the workcharged establishment.

Sd/-
Superintending Engineer,
North Gujarat Circle.

**********

Point (1):- The officiating service referred to counts for increment as well as leave in the original post on the workcharged establishment.

Office of the Superintending Engineer,
Karnatak Irrigation Circle,
Dharwar, 19th April 1950.

To
The Secretary to Government,
Public Works Department,
Bombay.

Point (2):- Rules regarding leave to members of work-charged establishment.

Subject: Work-charged Establishment:
Regulation of increment, etc.

Reference: Government Endorsement P.W.D. No. 6919/36-E(II) dated the 1st March 1950.

2. I have to offer my remarks as under on the points raised by the Electrical Engineer to Government.

(1) In accordance with Rule 250(c) of the Bombay Civil Service Rules, Manual....

Service Rules, Manual Vol. I, officiating or temporary service in a higher post shall count for increments in the time-scale applicable to the lower post. On the same analogy the officiating service on temporary or permanent post should be counted towards increment in the work-charged post as useful service though of short duration.

(ii). The principle that extraordinary leave for a period in excess of three months in the case of temporary establishment should constitute a break in service should be made applicable to he members on the work-charged establishment also. If it is considered that this causes a hardship, the starting pay on re-appointment may be fixed in accordance with S. No. 2(1) of Appendix XXVII of the Bombay P.W.D. Manual, Volume II, instead of starting on the minumum of the time-scale.

3. There are, however, no cases of the work-charged establishment of the nature referred to in paras (1) and (2) of the Electrical Engineer's letter, as far as this Circle is concerned.

Sd/-
19/4

Superintending Engineer, KII.C.

EB II
27/4

E.B.(II) P.W.D.

Report from the remaining S.Es. may be awaited.

Id
3/5/50

Id
4/5/50.

**********

Letter.
Very Urgent.

No. 4161 of 1950.
P.W.D., Eastern Circle Office,
Kolhapur. 11th May, 1950.

To,
The Secretary to Government,
Public Works Department, BOMBAY.

Subject:- Work-charged Establishment--
Regulation of increment etc.

Reference.....

References Government Public Works Department endorsement No. 6919/36-M(II). dated 1-3-50 and subsequent reminder dated 28-4-50.

2. Para 1 (1) of Electrical Engineer's letter addressed to Government:-

Officiating service on regular establishment is allowed to count as duty for all purposes in the original post held on work-charged establishment. In the absence of provisions in the Bombay Public Works Department Manual no specific rule can however be quoted in support of the above. The practice has however the support off the Principle outlined in Bombay Civil Services Rules 30 (a).

Para 1(2) of Electrical Engineer's letter addressed to Government:-

None of the work-charged persons have been granted extra-ordinary leave for more than 3 months on any one occasion and hence the question of regularisation of the excess did not arise.

Sd/-
11/5
Superintending Engineer,
Eastern Circle.

NIK

*********

No. G/63/3680.
Office of the Superintending Engineer.
Gujarat Irrigation Circle.
Baroda, 13th March 1950.

To
The Secretary to Government;
Public Works Department,
Bombay.

Subs:- Workcharged establishment - Regulation of increment, etc.

Refs:- Government endorsement No. 6919/36-M(II) dated 1st March 1950.

---

This Circle has been recently opened on 26-9-49 and as such there has been no occasion to deal with any case of the nature.....

nature referred to by the Electrical Engineer to Government, P.W.D., Bombay.

2. Remarks on the points raised by the Electrical Engineer are as under:-

i) When a member of Workcharged establishment officiates on a post on temporary establishment (i.e. higher post, the officiating service on higher post) counts as duty for the purpose of increment as well as leave in their original posts on workcharged establishment (vide please para 50-C of B.C.S.R. Manual.).

ii) The principles of grant of extra ordinary leave to the extent of three months only on any one occasion to emporarye stablishment should apply to workcharged establishment as the latter cannot have better conditions of service than the former.

Sd/-
3/5

Superintending Engineer,
Gujarat Irrigation Circle, Baroda.

NIK

Id/-

*********

No. G.51-2916 of 1950.
Public Works Department,
Poona, 1, 4th April 1950.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject: Work-charged Establishment
Regulation of increment etc.

Reference: Government endorsement No. 6919/36-E(II) of 1-3-1950 and this office No. G.R. 31/K-2135 of 11-3-1950.

Point (1) :- The officiating service referred to counts as duty for the purposes of increment as well as leave in their original posts on work charged establishment on the analogy of the provisions existing under Bombay Civil Services Rule 50.

Point (2) :- Rules regulating leave to members of Work Charged Establishment as per para 92(b) of

.....

the.....

the P.W.D. Manual make no provision for the grant of Extraordinary leave to that class of establishment.

Sd/- S.K. Karandikar.
Superintending Engineer,
Central Circle.

True Copy.

Sd/-
15/5
Head Clerk.
to the Superintending Engineer,
Central Circle.

*******

Letter,
No. 4407 Deccan Irrigation Circle,
Poona 1, 20th May 1950.

To

The Secretary to the Government of Bombay,
Public Works Department, Bombay 1.

Subject:- Work-charged Establishment.
Regulation of increments etc.

References:- Government Endt. P.W.D.
No. 6919/36-E(II), dated 1-3-50.

Para (1)(i) of the letter from the Electrical Engineer to Government:-

In the interest of Government work, members of work-charged Establishment are, on few occasions only appointed to officiate on Temporary Establishment in the leave vacancies etc. The officiating service rendered by these members on temporary Establishment was treated to count as duty for the purposes of increments as well as for leave, as service rendered on Temporary Establishment is definitely superior to that on work-charged Establishment. The lines of such men are kept on their work-charged posts by way of mere practice and no authority for this procedure can be specified.

Para 1 (2) of the letter from the Electrical Engineer to Government:-

There are no such cases in this Circle, in which work-charged men have asked for leave for more than 3 Months.

However.....

However , it is recommended that the rule 14(2) of the Revised leave Rules 1935 may be made applicable to the members of the Work-charged Establishment, also.

D.A.-Nil.

Sd/-

Superintending Engineer, D.I.C.

---

No. A/67/11233
Electric Grid Offices,
Foreshore Road,
Bombay 1: 23rd May 1950.

To

The Secretary to Government,
Public Works Department,
Bombay.

Subject:-Work-charged Establishment Regulation of increment etc.
References:-Govt. P.W.D endorsement No. 6919/36-B(II) dated 1-3-50.

With reference to your above endorsement, I have to state as under. There has so far been no case of the nature referred to in para I(1) of the Electrical Engineer to Government's letter No. G-51/8836 dated 25th January 1950, However, it is considered necessary that the officiating service on regular establishment rendered by the members of the Work-charged Establishment should be counted as duty for purposes of increment as well as for the leave in their original post on the Work-charged establishment.

There has also been no cases of the type mentioned in para 1(2) of the Electrical Engineer to Government's letter Referred to in para 1 above, in this department. Since rule 14(2) of the Revised Leave Rules 1935 is applicable to the temporary regular establishment, it is considered necessary that the same should be made applicable to the members of the Work-charged Establishment.

Sd/-

Electrical Commissioner
with the Government of Bombay.

**********

No. G.R. 31(K) of Public Works Department.
Letter. C.W. Belgaum: 12th August. 1950.

From

The Superintending Engineer,
Southern Circle, Belgaum.

To

The Secretary to Government,
Public Works Department, Bombay No.1.

Subject: Work-Charged Establishment.
Regulation of increment.

.....

Reference: Government, Public Works Department, endorsement No. 6919/36-E(II) of 1st March, 1950.

2. The present practice in this Circle in the cases of the type referred to, by the Electrical Engineer, in paragraph 1(1) of his letter No. G-51/8836 of 25th January, 1950, addressed to the Secretary to Government, Public Works Department is to count the officiating service rendered by members of the work charged Establishment and to treat the period of such service as on duty for the purposes of increment as well as leave, on reversion to their original posts on the Work-Charged Establishment. There are no specific Government orders for such a procedure but it is followed on the anology of instructions issued in para 2 of Government Circular Memorandum, Public Works Department. No. 2648/36-E of 12-7-1950 and on the basis of principles of Rule 50(b) & (c) of the B.C.S.R. Volume I.

3. In the cases of Work-charged Establishment where extra-ordinary leave granted on any one occasion exceeds three months, it is considered to constitute a break in service. Naturally the person will have to start on the minumum of the time scale. But there are a very few instances where the extra-ordinary leave granted exceeded three months. In such cases of members of Work Charged Establishment, who have reached a certain stage in the time scale, the starting pay (on their return from extra-ordinary leave exceeding three months) was fixed on the basis of their previous service as per principles laid down in para 7 of Government Circular Memorandum, Public Works Department, No. 2648/36 of 25-9-1941.

D.A. Nil.

Id
11/8

Sd/-
Superintending Engineer, S.C.

3185

Copy forwarded, with compliments to the Chief Engineer, Public Works Department, Bombay for information.

*********

Very Urgent. No. A. 1. 2369/10544 of 1950
Poona 1, Dated: 18th Sept. 1950.

To:-
The Secretary to Government,
Public Works Department,
B o m b a y.

Sub: Work-charged Establishment: Regulation of increments etc. of the -

Ref: Govt. endtt. P.W.D. No. 6919/36-E(II) of the 23rd January 1950 and subsequent endt. of even number dated the 1st March 1950.

2. My observations and remarks on the various points raised by the Electrical Engineer to Government are as under:-

Item No.(1) in his letter No. G.51/8490 dated the 16th January 1950:-

Provisions of rule No. 92 of the B.P.W.D. are invariably followed in this Circle except for special reasons when leave with pay is sanctioned to work-charged men even though they have not put in continuous service for 22 months. No leave either in ordinary or special circumstances is, however, sanctioned unless the necessary declaration as per rule 92(b) (iii-2) is obtained. Such leave does not affect increment.

I am, however, of the opinion that the existing rules need be liberated to considerable extent and brought on par with those for the temporary establishment so far as earned leave is concerned. As the terms and conditions for the temporary and work-charged establishments in this Department are practically indentical. I do not see any reason why concession of earned leave as amplified under G.R. F.D. No. 6567/33, dated the 28th April 1949 in respect of temporary establishment should not be extended to work-charged Establishment....

work-charged Establishment also. As leave will be earned by actual duty the declaration as stated above will have to be dispensed with. Similarly provisions of rule 92(b)(iv) will also have to be with-drawn.

Item No. 2:- The Electrical Engineer's statement that leave if granted before completion of 22 months continuous duty should be necessarily leave without pay does not appear to be correct. Rule 92(b) (ii) delegates discretionary powers to the sanctoning authority to grant leave with pay under special circumstances which have to be recorded in writing, even though the applicant has not put in the required period of service. This provision would beredundant if all leave prior to completion of 22 months duty were to be leave without pay. Leave without pay always affects the increment and the date there of is postponed by that much period as in the case of extraordinary leave to temporary and permanent establishment.

Item No. 3:- The present rule about postponing the date of increment by the period of leave without pay in respect of work charged establishment by the period of extraordinary leave in respect of permanent and temporary establishment is justified and need, in my opinion , no revision. The rule is not particular to workcharged Establishment alone as presumbed by the Electrical Engineer to Government.

Item No. (1) in letter No. G-51/8836, dated the 25th January 1950, from the Electrical Engineer:-

The period of duty rendered by work-charged member in the posts mentioned by the Electrical Engineer may be counted for purposes of increment and leave if the sanctioning authority is of the opinion that such work-charged persons would have continued in the work-charged establishment had he not been appointed to officiate in the posts on temporary or permanent establishment.

Item No. 2:- There is no case in this Circle where extraordinary leave for more than 3 months was sanctioned.

The.

The observation of the Electrical Engineer. However, appears to be correct and the work-charged Establishment cannot be considered as exception.

I recommend that the existing rules for leave to work-charged establishment need be modified considerably as stated above.

D.A. : NIL.

Sd/-
Public Health Engineer
to Government.

NIK

---

Letter.

No. G.63/633
Public Works Department.
Bombay (No.1) 18th Jan.1951.

To

The Secretary to Government.
Public Works Department. Bombay.

-Work-charged Establishment - Regulation of increment of ---

References: Government Endorsement P.W.D. No.6919/36-E(II) dated 23-1-1950, and 1-3-1950 and subsequent expeditors the last bearing even number dated the 8-1-1951.

2. Para 1(1) of the Electrical Engineer to Government's letter No. G-51/8490 dated 16-1-1950:-

The earned leave granted to a member of the Work-charged establishment has the effect to postpone the date of next increment by the number of days earned leave is enjoyed, as in the case of Temporary Government servants. The status of a member of the work-charged establishment cannot be recognised as equivalent to that of a permanent Government servant for the purpose, irrespective of the number of years of continuous service rendered by him on the work-charged establishment.

3. Para 1 (2) ibid :

In the case of .....

In the case of Temporary Government servants who are granted leave without pay, such leave has the effect of postponing the date of next increment, but their service does not commence afresh for earning increments or leave. In the case of work-charged establishment it is suggested that the leave without pay granted to them, should have the effect of postponing the date of next increment, that their service may not be considered have commended affesh for the purpose of increments or leave as in the case of Temporary Government servants.

4. Para 1 (3) ibid :

It is certainly a hardship that the services of a person on the work charged establishment should be treated as commencing afresh every time he proceeds on leave. His case in this respect may be treated as in the case of Temporary Government servants.

5 Para 1(1) of the Electrical Engineer to Government's letter No. G.51/8836 dated 25-1-1950 :-

Members on work-charged establishment when appointed to officiate on regular Establishment should on return to their original posts on the work-charged establishment be allowed to count the officiating service rendered on the regular establishment as duty for purposes of increment as well as leave in their original posts on the work-charged establishment. This appears fair as will be clear from the fact that had the member on the work-charged establishment not been appointed to officiate on the regular establishment, he would have continued to be borne on the work-charged establishment and in that case his service would have counted for purposes of leave, increments, etc.

6. Para 1(2) ibid :-

Ordinarily the duration of extraordinary leave of 3 months when it exceeded by a member of the work-charged establishment must constitute a break in service, and the person concerned appointed afresh as a new recruit on the minumum of the time-scale, as in the case of Government servants not in permanent employ whose cases

are covered.....

are covered by rule 14(2) of the Revised Leave Rules, 1935. I recommend that in case of a break caused by illness, certified as such prior to the commencement of the break, this period may be six months in all cases including those governed by the rules quoted here.

7. With reference to para 2 of the Government Endorsement dated 1-3-1950, referred to above three have been no such cases in this Circle of the type referred to in para 1(1) of the Electrical Engineer to Government 's letter dated 25-1-1950, while as regards para 3 of the Government endorsement and para 1(2) of the Electrical Engineer's letter, their has been only one case in this Circle of the nature referred to, when a member of the work-charged establishment, on return from extraordinary leave in excess of 3 months, was taken up as a new recruit on the minumum of the time scale of pay.

8. In view of the recent orders of Government as regards the revision of pay scales in respect of Government which the work-charged establishment has been treated on an equal footing with their colleagues on the permanent and temporary establishment, for the refixation of their pays in the revised pay-scales, it is suggested that whatever anomalies exist in the conditions of service of the work-charged establishment may be now removed, and their status brought on par with those on the Temporary Establishment.

Sd/-
Superintending Engineer,
Bombay Circle.

CE/BK-17/1/51.

NIK

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6919/36/5848.

E. B. (II) P. W. D.

The Elect. Engr. in his letters No. G.51/8490, dt. 16-1-1950, and No. G.51/8836, dt. the 25/1/1950.

requests..

requests Govt. to elucidate certain points pertaining to the service conditions of the work-charged estabt. Reports from the Local Officers in the matter have been received. The various points have been dealt with below.

2.(a) Whether the increment of a person on the work-charged estabt., who is continued from year to year, is to be postponed, when the person proceeds on earned leave, as in the case of tempy. estabt., or whether the person's status should be recognized as that of a permanent Govt. servant and if so, after how many years.

The S.Es., N.C.C., Karnatak Irrigation Circle, G.I.C., S.G.C., and E.C. are of the opinion that the increment of a work charged person should be postponed by the amount of earned leave taken by them, as the work-charged service is no better than the tempy. service.

The late S.Es., Koyna Irrign. Circle, and the E.C., the Elecl. Commr., the S.Es., S.C., D.I.C., C.C. and the P.H.E. have, however, opined that the increment should not be postponed by the amount of earned leave taken by the person on the work-charged estabt. The late S.E., Koyna I.C., the The Elecl. Commr., and the S.E., D.I.C., have not offered any remarks in support of their recommendation.

The argument advanced by the S.Es., S.C., that the B.S.C. Rs. are not applicable to the work-charged persons is not correct. It is true that certain service conditions for the work-charged estabt. have been specifically laid down in para. 92 of the P.W.D. Manual, Vol. I. From these rules it is observed that no rules regulating increment, leave, etc. have been laid down, but this does not imply that earned leave of work-charged persons should be treated as a service for purposes of increment. Special provisions have been laid down in the P.W.D. Manual, but as Govt. servants if the general principles laid down in the B.C.S.Rs. are equally applicable to them in respect of those principles not specifically covered by the P.W.D. Manual.

The.....

The P.H.E's argument infavour of not postponing the increment is that in view of rule 92(b) (iii) (2) of the P.W.D. Manual, Vol. I, according to which a work-charged person is required to sign an agreement that he will resume duty on the work-charged estabt., should his services be required for a period of not less than six months after the expiry of the leave is not tenable for the reasons explained in the case of the S.E., S.C.

The late S.E., E.C., infavour of his recommendation states that the earned leave taken by the work-charged person should not affect his date of increment in terms of Rule 50(d) of the B.C.S.Rs. Manual, Vol. I, as leave other than extra-ordinary leave is not an interruption in service. This rule is, however, not tenable in the case of work-charged persons whose service is purely temporary.

None of the local officers have offered any remarks as to the practice in vogue in their Circle except the S.E, S.C., who states that the earned leave period was counted towards increment in his Circle. Even if the same practice has been followed by other local officers nothing can now be done to set right the efects of the past, as the salaries of these persons are debited to works which are sanctioned in estimates and which may have since been completed.

Incidentlly it may be added have that in G.R., F.D. No. 7532/33, dt. 9-12-1950, orders have been issued to the effect that the increment of those persons who have completed 3 years continuous temp. service should not be postponed by the amount of leave enjoyed by them thereafter. The concession may, therefore, be extended to the work-charged estabt. If the position explained above is accepted the Elecl. Engr's query may be replied as follows:-

"The Provisions of the B.C.S. Rules equally apply to the work-charged estabt. unless specified otherwise in the.....

Id
13/2/51

in the P.W.D. Manual. The orders issued in G.R., F.D., No. 7532/33, dt. 9-12-1950 should, therefore, be made applicable to those on the work-charged establ.

(b) Whether extra-ordinary leave taken by work-charged person prior to completion of 22 months' service should have the effect of postponing the increment :- Practically all the local officers (except the S.E., C.C. and the late S.E., E.C.) are in agreement with the view that the extra-ordinary leave should have the effect of postponing the increments in the case of the permanent and temporary establishment.

The S.E., C.C. in stating that the leave granted in accordance with Section I of Govt. servants not in permanent employ (G.R.? F.D. No. 6567/33, dt. the 28-4-1949) has missed the point. The G.R. deals with the grant of leave and not regulation of increments.

Only the late S.E., E.C., who states that in view of rule 92(b)(ii) earned leave can be granted without completion of 22 months service, such leave should have no effect of postponing the increment. If the proposal in para. 2(a) is accepted the S.E.'s argument will not hold good, more so in the case of leave granted prior to completion of 22 months. The reply to the Elecl. Engr's query may be as follows:-

The extra-ordy. leave enjoyed by a person on the work-charged establ. should have the effect of postponing his increment as in the case of the t-empy. & pt. establ.

3. Whether the established rules in the B.C.S.Rs regd regulation of increments should be made bodily applicable to the work-charged establ. - The service conditions of the work charged person differ very much from the other tempy. establ. in view of the very nature of thier service most of which is of short duration on specific job. They are however, continued from job to job. Their service conditions have been specifically laid down in the P.W.D. Manual, so far as the amount of leave is to be granted. However, as regards the other cond..

leave is to be granted. However, as regards the other conditions governing not specifically mentioned in the P.W.D., Manual, the provisions of the B.C.S.Rs. are applicable as mentioned in the last sub-para of 2(a) on p. 98 ante. The Elect. Engr's query may, therefore be replied as follows:-

"The provisions of the B.C.S.Rs. equally apply to the work-charged estabt. unless specified otherwise in the P.W.D. Manual.

Whether the officiating service on the regular estabtestabt. rendered by a person on the work-charged estabt. in a vacancy of a person who proceeds on leave or is temporarily transferred, should be treated as duty for purpose of increment as well as leave in the original posts on the work-charged establishment" Attention in this connection is invited to G.E., No. 6919/36-E(II), dt. the 1-3-1950 and the F.D. note underlying it. From the reports received from the local officers it is observed that all of them are unanimous in their opinion that offg., service either on the regular pt. or tempy. estabt. should be counted towards increment on the work-charged estabt. The authority quoted in support of the practice are Rules 50(a) and (c) of the B.C.S. Rules Manual, Vol. I. In para 2 of the G.M. No.2648/36-E., dt. the 12.7.1940, orders have also been issued allowing those on the pt. estabt. to count service rendered on the work-charged and temporary estbat. for purpose of increment on the pt. estbat. without observing any distinction between the work-charged and tempy. estabt. In the circumstances explained the offg. service on the regular pt. or tempy. estabt. may, therefore be allowed to count towards increment on the work-charged estabt. under the authority of rules 50(a) and (c) of the B.C.S.Rs. Manual, Vol. I. The reply to the Elect. Engr's query may be as follows:-

The.....

The service rendered by members of the work-charged estabt. on the regular permanent or tempy. estabt. in offg. vacancies should be allowed to count towards increment in their original posts on the work-charged estbat. in accordance with Rules 50(a) and (c) of the B.C.S.Rs.

5. Whether in the case of the work-charged estabt. extra-ordy. leave exceeding 3 months on one occasion constitues a break in service in accordance with rule 6(2) of App. XLIV-B of the B.C.S.Rs. Manual Vol. II. All the local officers are in agreement that the extra-ordinary leave taken in excess of 3 months period should constitute a break in service as in the case of pt. and tempy. service. The late S.E. Koyna Irrigation Irrigation Circle, the S.Es., N.C.C., Karnatak Irrg. Circle, the late S.E., E.C., the S.E., D.I.C. and the H.P.H.E. to Govt. and the Elci. Commr. have reported that there have been no such cases in their Circle and the question of regularization does not arise.

The S.E., C.C., The S.E., G.I.C., and the S.E., S.C., have not stated whether there were any such cases, this information need not be called for.

(6) The S.E., B.C., has reported a solitary case where extra-ordinary leave was granted in excess of three months to a member of the w/c estbat. and he on resuming duty was treated as a new recruit on the minumum of the time scale. However, if there is occasion to grant such leave in the case of work-charged persons who have put in number of years service, the position can be regulrised by the S.E. under Section No. 2(1) of App. XXVII of the Bombay P.W.D. Manual Vol. II, instead of starting on a minumum of pay-scale. The extra-ordinary leave in excess of three months has, therefore, to be considered as a break in service as in the case of tempy. and pt. persons. The Elec1. Engr.'s query may be replied as follows:-

"The extra-ordinary leave taken by a person on the work-charged estbat. in excess of 3 months should be treated as break....

as break in service as in the case of pt. and temp. persons. The local officers are however, competent to grant higher starting pay on resumption of service vide. S. No. 2(1) of App. XXVII of the P.W.D. Manual Vol. II."

The P. & S.D. and the F.D. may see U.O.

Id
13/2/50 Id 13/2/51 Id /-
15/2/51.

NLK. *********

D.S.

C.E.

Secy.

The noting is discussive: Point no (1)--The noting at 2, is not clear; Point (2) is obvious and needs no elaboration.

Portions of 22 to 26 are erroneous and should be corrected to make sense.

The PP is resubmitted with a draft order or circular, memo

Id/-
21/2

E.B.(II)

Resubmitted.

2. The necy. correctons have been carried out in the office note

3. The draft Circular put up may issue, if approved, after u.o.r. to the P. & S.D. and the F.D.

D.S.
C.E.
Secy.

Id/-
10/3/51 Id/-
12/3/51

Id/-
12/3/51

*with files
2648/36 I
2866/36 II

u.o.r. to the P. & S.D. of the 15th March 1950

*******

Pards D.
D. Br.

Seen and passed on to F.D.

2. This concerns the F.D. more than the pards D.

Id
20/3/51

Id
20/3

D.S.

U.O.R. to F.D. (with file) dt. 22/3/51

Finance Department (K)

Please see draft orders put up by the P.W.D. on pages 103/104 ante. The orders proposed in paras 2 and 3 are commented upon below:-

Para 2(i) :- F.D. need have no objection.

Para 2(ii) :-Extra-Ordinary leave will have the effect of postponing increment whether it is taken before of after the completion of 22 months service. As the working of this para appears to restrict the effect of extra-ordinary leave on increment to extra-ordinary leave taken during first 22 months of service only, the P.W.D. may be requested to modify this para suitably.

Para 2(iii) :- requires no comments.

Para 2(iv) :- F.D. may agree.

Para 2 (V) :- When a person is officiating in regular estt., he will earn leave according to rules applicable to that deptt. It will not, therefore, be correct to allow him to earn leave in the original post on the work-charged estt. also.

Para 3: Persons on work-charged estt. are shifted from one work to another at short intervals. They will, therefore rarely continue to hold the same post for three years continuously. It appears, however, that so long as the persons are in continuous service, they will continue to draw pay in the same scale. Subject to this presumption being correct, the orders proposed in this para may be agreed to

nId
4/5/51

The papers may be shown to A.G. before issue of orders.

17/4/51

Id
5/4/51

Id
17/4

136-107

C

6819/36/35764

F. Br. P.W.D.

The A.G., B'bay, may see u.o. for remarks with refce. to the F.D. u.o.r. overleaf.

Id
5/5/51

Id
5/5/51

D.S.
P.O.

with files
2648/36
2866/36II

u.o.r. to the A.G., Bombay, of the 22th May 1951.

****

A.G's Office, Bombay

Returned with compliments to the Government of Bombay, Public Works Department with the following observations:

2. Sub-Paras 2(1),(iii) and (iv) of the draft circular: No. remarks.

3. Sub-para 2(1):- The words "prior to the completion of 22 months service" may be deleted.

4. Sub-para 2(v):- This office agrees with the view expressed in the Finance Department note dated 17-4-51. It may, however, be made clear in the proposed orders that short spells of officiating service on the regular establishment alternating with service on the work-charged establishment should be treated as continuous for purposes of calculating the leave due under Rule 11 of the Revised Leave Rules as amended by Government of Bombay Finance Department, Notification No. 6567/33-X dated 15-12-1950. Similarly it may be made clear that the officiating of a member of the work-charged establishment a post on the regular establishment should not constitute an interruption of service in the work-charged establishment

5. Para 3 of the draft circular.- This office agrees with the Finance Department's view.

Sd/-

D.A.G.

U.O.R. to the Government of Bombay, P.W.D.

No. WM/125 dt. the 3rd July 1951.
With file No. 2866/36II
" " " 2648/36-I

P.W.D.

F. Br.

Submitted with reference to this Deptt. u.o.r. of the 12-5-51.

2- In view of the modifications suggested by the A.G., B'bay, a fresh draft Cir. put up for approval may issue after u.o.r. to the F.D.

3- The presumption made in the last para of the F.D.'s u.o.r. is correct.

Id 12/7/51

Id 12/7/51 D.S.

Id 14/7/51 Ch. Engr.

Id 16/8/51 Secy.

(u.o. to F.D.)

U.O.R. to the F.D. of the 17th July 1951.

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For further orders
pl. see

S.E.1154
12/6/54.

Service Conditions:
Works-charged establishment.

Government of Bombay,
Public Works Department.
Circular No. 6919/36.
Bombay Castle (Bombay No.1),
30th July 1951.

C I R C U L A R.

In Rule 92 of the Bombay Public Works Department Manual, Volume I, the service conditions of the work-charged establishment in respect of pension, leavy salary, etc., have been laid down. Doubts have been raised by certain local officers regarding the extent of applicability of the Rules in the Bombay Civil Services Rules Manual to such work-charged establishment.

2. Government is, therefore, pleased to issue the following orders in clarification of the positions:-

(i) The Bombay Civil Services Rules should be made applicable to the work-charged establishment unless otherwise specified in the Bombay Public Works Department Manual.

(ii) Any extra-ordinary leave enjoyed by a person on the work-charged establishment should have the effect of postponing the increment.

(iii) Extra-ordinary leave taken by a person on the work-charged establisnment in excess of 3 months, should constitute a break in service. On such a person resuming duty, the powers under Serial No. 2 of Appendix XXXII to the Bombay Public Works Department Manual, Volume II, may be exercised in special cases, by the local officers for granting higher starting pay.

(iv) Officiating service on regular establishment rendered by a person on the work-charged establishment should be treated as duty for purposes of increment in the original post on the work-charged establishment.

(v).....

(v) Short spells of officiating service on the regular establishment alternating with ervice on the work-charged establishment should be treated as continuous for purposes of calculating the leave due under Rule 11 of the Revised Leave Rules as amended by the Government of Bombay Finance Department, Notification No. 6567/35-X, dated the 15th Decr. 1950.

Substituted by Govt. Con. No. LSR1154 dt. 12/6/54.

(vi) The officiating service of a member of the work-charged establishment in a post on the retular establishment should not constitute an interruption of ~~HERE~~ service in the work-charged establishment.

3. The orders issued in Government Resolution, Finance Department, No. 7582/33, dated the 9th December 1950, regarding non-postponement of increment by leave other than extra-ordinary leave, should also be made applicable to members of the work-charged establishment.

By order of the Governor of Bombay.

Sd/-
1/8/51

(K. V. Rajasekar Joglekar)
Deputy Secretary to Government.

To:-
The Political and Services Department.
The Finance Department.
The other Departments of the Secretariat.
The Accountant General, Bombay. (through the Finance Department).
The Deputy Accountant General, Baroda (through the Finance Department).
The Chief Engineer, Public Works Department,
The Chief Engineer, Bombay Electric Circle. ~~Irrigation~~
The Electrical Engineer to Government.
The Superintending Engineers of Circles.
The Public Health Engineer to Government.
The Architect to Government.
The Executive Engineers of Divisions.
The Director, Development Department Chawls,
The Port Officer and Harbour Master, Okha.
The Enquiry Officer, Secretariat.

No. of 1951.

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